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TRANSMITTAL FORM

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Total Number of Pages in This Submission

| | |
|------------------------|------------------------|
| Application Number | 10/806,409-Conf. #2310 |
| Filing Date | March 23, 2004 |
| First Named Inventor | Raymond Pratt |
| Art Unit | 1614 |
| Examiner Name | J. Anderson |
| Attorney Docket Number | 61368-223389 |

ENCLOSURES (Check all that apply)

| | | |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Submission Under 37 CFR § 1.114 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Response to Notice of Improper Request for Continued Examination (RCE). 2. Copy of August 27, 2007 Notice; 3. Teleconference Summary of E. L. Wright |
|--|--|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|--------------|--------------------|
| Firm Name | VENABLE LLP |
| Signature | |
| Printed name | Edward D. Grieff |
| Date | September 12, 2007 |
| Reg. No. | 38,898 |

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UNITED STATES PATENT AND TRADEMARK OFFICE

6/3/08 223389 EDG

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 10/806,409 | 03/23/2004 | Raymond Pratt | 223389 | 2310 |
| 26694 | 7590 | 08/27/2007 | | |
| VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998 | | | EXAMINER ANDERSON, JAMES D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1614 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 08/27/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE



10806409

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 8-24-07 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

W. Phillips, Examining Group 1600



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Pratt**

Application No. **10/806,409**

Group Art Unit: **1614**

Filed: **March 23, 2004**

Examiner: **J. Anderson**

For: **Methods for Treating Parkinson's Disease**

Docket: 223389 (BNAG-002-C6US)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

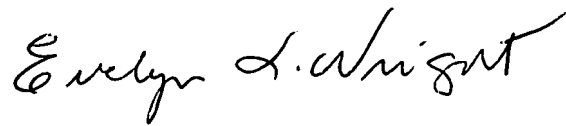
Teleconference Summary of Evelyn L. Wright

I, Evelyn L. Wright, declare the following.

1. I am a Legal Administrative Assistant at Venable LLP, where I have been employed for over eleven years.
2. I work with Edward D. Grieff, Registration No. 38,898, on the above-identified application.
3. On August 31, 2007, I called phone number 571-272-0548, and spoke with Mr. W. Phillips of Examining Group 1600 regarding the Notice of Improper Request for Continued Examination dated August 27, 2007, issued in the above-identified application.
4. Mr. W. Phillips informed me that an appropriate reply to the Notice of Improper Request for Continued Examination required (i) a fee for a one month extension of time and (ii) a reply to the Office Action dated February 20, 2007.
5. On August 31, 2007, I provided this information to Edward D. Grieff.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity or enforceability of the present application or any patent issued thereon.

Respectfully submitted,

A handwritten signature in black ink that reads "Evelyn L. Wright". The signature is written in a cursive, flowing style.

Evelyn L. Wright

Date: September 12, 2007

Venable LLP
575 7th Street, NW
Washington, DC 20004
Phone: 202-344-8355



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Pratt**

Application No. **10/806,409**

Group Art Unit: **1614**

Filed: **March 23, 2004**

Examiner: **J. Anderson**

For: **Methods for Treating Parkinson's Disease**

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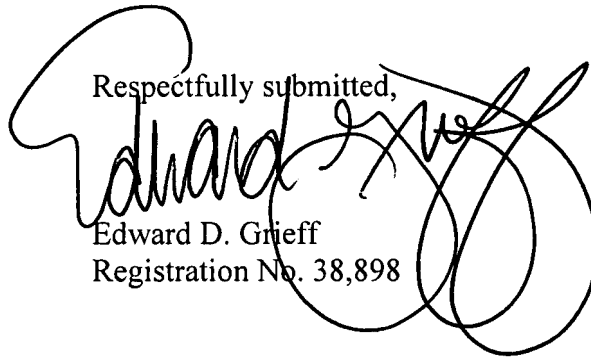
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Response to Notice of Improper Request for Continued Examination (RCE)

1. This Response is filed in reply to the Notice of Improper Request for Continued Examination (RCE) dated August 27, 2007.
2. A copy of the Notice of Improper Request for Continued Examination is submitted herewith.
3. On August 31, 2007, Ms. Evelyn Wright, the undersigned's Legal Administrative Assistant, called and spoke with W. Phillips of Examining Group 1600 at phone number 571-272-0548 regarding the Notice of Improper Request for Continued Examination. *See* Teleconference Summary of Evelyn L. Wright at ¶ 3.
4. Relaying her conversation with W. Phillips, Ms. Wright informed the undersigned that an appropriate reply to the Notice of Improper Request for Continued Examination required (1) a fee for a one month extension of time, and (2) a reply to the Office Action dated February 20, 2007. *See* Teleconference Summary of Evelyn L. Wright at ¶¶ 4-5.
5. Applicant submits herewith a Submission Under 37 CFR § 1.114 in response to the Notice of Improper Request for Continued Examination (RCE) dated August 27, 2007, and the Office Action dated February 20, 2007.

6. Applicant authorizes the Commissioner to charge a one month extension of time fee of \$120 to Deposit Account No. 22-0261, and also authorizes the Commissioner to charge any other necessary fees or credit any overpayments to Deposit Account No. 22-0261.
7. Applicant notes that Information Disclosure Statements were filed on August 20, 2007, and August 22, 2007.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Edward D. Grieff', is written over the typed name and registration number.

Edward D. Grieff
Registration No. 38,898

Date: September 12, 2007

Venable LLP
575 7th Street, NW
Washington, DC 20004
Phone: 202-344-4382